

ATEK CONSTRUCTION, INC.

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July 12, 2004

Federal Communications Commission
Office of the Secretary
445 12th Street SW
Washington, DC 20554

Re: CC Docket No.: 02-6
Billed Entity Number: 143454
Applicant Name: Los Angeles Unified School District
471 Application Number: 153005
Funding Request Number: 286765

This letter is an APPEAL to Request for Review a decision by Universal Service Administrative Company, (USAC), Schools and Libraries Division, to re-affirm its claim for recovery of funds for the above subject.

USAC is demanding recovery of funds at \$328,590.00 that was allegedly disbursed by USAC in error. The funds were designated for 471 Application Number 153005, Funding Request Number 268765. ATEK Construction was the contractor and intermediary recipient of funds in September 2000 on behalf of Los Angeles Unified School District (LAUSD) in compliance with the contract agreement, Contract Number 9910260, for Safety & Technology & Fire Alarm Project at Stevenson Middle School. ATEK disbursed the subject funds to LAUSD on October 2, 2000.

ATEK protested USAC's demand of recovery of funds in its letters which can be found in USAC's records on the basis that

1. Such funds were disbursed by ATEK to LAUSD
2. ATEK has no contractual obligation with LAUSD since the completion of the project in year 2000
3. ATEK has no obligation to USAC since the disbursement of funds to LAUSD in October 2000
4. ATEK's request that USAC should pursue recovery of funds directly with LAUSD, the recipient of funds

Please consider this letter as another appeal to USAC's continued demand from ATEK to recovery of funds that can not be justified due to the reasons described above.

ATEK hereby requests that the FCC relieves ATEK from any liability to USAC's recovery of funds and pursuing such recovery directly with LAUSD. Thank you.

Sincerely,

Ali Taha

cc: James Alther, LAUSD (by fax)
Jim Hunt, LAUSD (by fax)

usac-fcc.fund-recovery1.wpd